

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

SANDRA L. MULLINS,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-cv-0570

MICHAEL J. ASTRUE  
Commissioner of Social Security,

Defendant.

**MEMORANDUM OPINION AND ORDER**

In this action, plaintiff seeks review of the final decision of the Commissioner of the Social Security Administration denying her application for disability insurance benefits. The case is presently pending before this court on plaintiff's Brief in Support of Judgment on the Pleadings [Docket 11] and the Commissioner's Brief in Support of Judgment on the Pleadings [Docket 12].

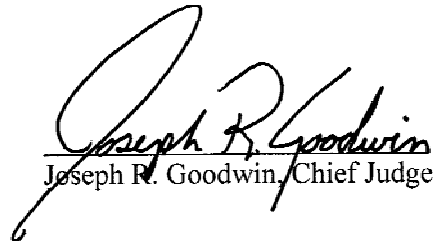
This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 27, 2009, the Magistrate Judge submitted her *Proposed Findings and Recommendation* wherein she recommended that the court affirm the final decision of the Commissioner and dismiss this action from the court's docket.

Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The court **DENIES** the plaintiff judgment on the pleadings, **GRANTS** the Commissioner judgment on the pleadings, **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this action from the court's docket.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: February 18, 2009



Joseph R. Goodwin, Chief Judge